

June 28, 2019

Austin Evers
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005

Dear Mr. Evers:

This is a follow up response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP). Your request related to photographs, videos, and audio recordings by USBP employees at the Central Processing Station in McAllen Texas between April 1 and July 1, 2018.

Upon review of this and other requests for a litigation matter, CBP FOIA notes that our office previously sent a No Records response for this FOIA request. Since that time, a review was done of the processing of your FOIA request. During the review, it was discovered that the November 5, 2018 response of no records was in error. Sixty-three records responsive to request CBP-2019-004718 were located. Fifty-one of these records are enclosed and are marked 2019-05-001 through 2019-05-051. CBP has determined that 51 pages of the records are being released in full or in part, pursuant to Title 5 U.S.C. § 552 (b)(6), (b)(7)(C) and (b)(7)(E).

Twelve additional records are being produced via two web links:

<https://www.flickr.com/photos/cbpphotos/sets/72157697598808824/> and
<https://www.dvidshub.net/video/608239/imagery-central-processing-center-mcallen-tx> .

Exemption (b)(6) exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, driver license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

Exemption (b)(7)(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong

privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate.

Exemption (b)(7)(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

As previously indicated in our November 5, 2018 response, if you are not satisfied with the response to this request, you have a right to appeal the final disposition. Should you wish to do so, you must file your appeal within 90 days from June 28, 2019, following the procedures outlined in the DHS regulations at Title 6 C.F.R. §5.8. Please include as much information as possible to help us understand the grounds for your appeal. You should submit your appeal via FOIA online by clicking on the "Create Appeal" button that appears when you view your initial request. If you do not have computer access, you may send your appeal and a copy of this letter to:

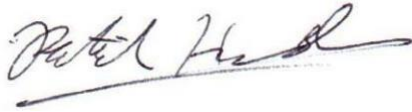
FOIA Appeals, Policy and Litigation Branch
U.S. Customs and Border Protection
90 K Street, NE, 10th Floor
Washington, DC 20229-1177.

Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia. Additional information can be found at the following link: <https://www.cbp.gov/document/guidance/exemption-definitions>.

Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Please note that contacting the CBP FOIA Public Liaison or OGIS does not stop the 90-day appeal clock and is not a substitute for filing an administrative appeal.

Please notate file number CBP-2019-004718 on any future correspondence to CBP related to this request. Because this matter is now part of a litigation, we ask that you direct any other questions or concerns to the Assistant United States Attorney assigned to this matter, Scott Sroka.

Sincerely,

A handwritten signature in dark ink, appearing to read "Patrick Howard", with a horizontal line drawn underneath the signature.

Patrick A. Howard
Branch Chief, FOIA Division
U.S. Customs and Border Protection
Privacy and Diversity Office



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)







(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

DHS-CBP-18-0696-A-000006

2019-05-06



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

DHS-CBP-18-0696-A-000008

2019-05-008



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

DHS-CBP-18-0696-A-000009

2019-05-09



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

DHS-CBP-18-0696-A-000010

2019-05-010



(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

**DO NOT REMOVE BY ORDER OF
TEXAS STATE FIRE MARSHAL**
(for at least two years)

SERVICE RECORD

AFP ALARM & DETECTION, LP

2003 Mykawa

Pearland, Texas 77581

1-800-604-2600

(b) (6), (b) (7)(C)

ACB-3429

(b) (6), (b) (7)(C)

Date

Licensee Signature

License #

(b) (6), (b) (7)(C)

List Services:

tested. system is all good
at time of service

Performed

☒

General service listed above

Corrected

☒

RED label dated

10-12-17

Corrected

☐

YELLOW label dated

(b) (6), (b) (7)(C)



DHS-CBP-18-0696-A-000014

2019-05-014

(b) (6), (b) (7)(C)



DHS-CBP-18-0696-A-000015

2019-05-015



DHS-CBP-18-0696-A-000016

2019-05-016



DHS-CBP-18-0696-A-000017

2019-05-017

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)



DHS-CBP-18-0696-A-000020

2019-05-020



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



DHS-CBP-18-0696-A-000022

2019-05-022



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



DHS-CBP-18-0696-A-000024

2019-05-024



DHS-CBP-18-0696-A-000025

2019-05-025

(b) (6), (b) (7)(C)



DHS-CBP-18-0696-A-000026

2019-05-026

(b) (6), (b) (7)(C)



DHS-CBP-18-0696-A-000027

2019-05-027

(b) (6), (b) (7)(C)



DHS-CBP-18-0696-A-000028

2019-05-028



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)







(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)





BORDER PATROL



(b) (7)(E)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)





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BORDER PATROL





(b) (7)(E)









DHS-CBP-18-0696-A-000047

2019-05-047

AMERICAN
OVERSIGHT



DHS-CBP-18-0696-A-000048

2019-05-048



DHS-CBP-18-0696-A-000049

2019-05-049



DHS-CBP-18-0696-A-000050

2019-05-050

AMERICAN
OVERSIGHT

HOSPITAL

Location

/ Agent

(b) (6), (b) (7)(C)

0500

Hurt Cond.

// BACK //

1400

Kidney Failure

Edinburg Regional

Rm: 424

(b) (6), (b) (7)(C)

suicidal

MMC

ER Rm: 15

Seizure

// BACK //

PREGNANT
(DEHYDRATION)

MMC
ER

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

INFECTION
HAND

STHS